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lature a report showing the operations under the act during the preceding year, together with any recommendations which they may deem proper for its improvement.

J. M. MATHEWS.

Initiative and Referendum. The legislature of the state of Wisconsin has adopted a resolution looking toward incorporating into the constitution provisions for the initiative and referendum for the enactment of constitutional and statute law. The plan adopted differs materially from those in operation in that no measures may be referred to the people which have not received consideration by the legislature. Notable progress has been made in Wisconsin during the last decade in the improvement of statute law. The development of the legislative reference library plan, the drafting department, the co-operation of technical experts from the university, and the improvement in the methods of committee work whereby opportunity for public hearing is given all measures, has resulted in a marked advance in lawmaking. The desire that all these institutions be of service for the enactment of laws or amendments to the constitution by the people as well as by the legislature led to the adoption of the following plan: All bills or resolutions for amending the constitution introduced in the legislature must be recorded. A bill passed by the legislature becomes law and takes effect after ninety days unless during that time a petition signed by eight per cent. of the electors has requested its reference to the people. Bills which are refused enactment by the legislature may be placed before the people for passage upon the filing of a similar petition. Amendments to the constitution which have passed one session of the legislature by a majority vote of the members elected to each house, may be brought before the people for adoption upon a five per cent. petition, but those which have failed to secure the required vote in the legislature require a ten per cent. petition to effect their submission. "Emergency" and appropriation measures form an exception to this procedure. The difficulty of urging the financial needs of public institutions before the entire people in the face of the strong tendency toward conservatism in expenditure, caused the exemption from the referendum of appropriations for maintaining the state government or maintaining or aiding any public institution. Such parts of any appropriations as do not exceed the last regular appropriation for such purpose are exempt from the referendum and become available upon the passage and publication of the

law; the part of an appropriation which exceeds the last regular grant for such purpose, takes effect with other laws and is subject to referendum proceedings. The vote on measures submitted to the people is to be held at the next regular state election or at a special election to be called by the governor. The vote on constitutional amendments must be taken at the next general election. This proposed amendment to the Wisconsin constitution will be adopted only if agreed to by a majority of the members elected to each house of the next legislature and by the people at the following general election.

The amendment proposed by the Nevada legislature of 1909 to confer initiative powers upon the people for the enactment of laws and amendments to the constitution, was ratified by the legislature of 1911 and will be referred to the people at the next general election. Under this amendment, initiated measures must be accompanied by petitions signed by ten per cent. of the electors and be submitted to the legislature. Should such measures fail to become laws by enactment of the legislature, they must be submitted to the people, though the legislature may submit a similar measure and give the people an opportunity of choosing between them. The referendum has been a part of the constitution of Nevada since the general election of 1904.

The legislature of Idaho submits to the people at the next general election, a proposal for the initiative and referendum. This plan applies only to the initiation of laws and is unique in that no machinery for the enactment of laws by the people is provided, but this power is to be exercised by the legal voters "under such conditions and in such manner as may be provided by acts of the legislature." Considerable criticism has been made upon all plans for the initiative and referendum in that they write detail of considerable minuteness into the constitution, quite contrary to the theory that constitutions should contain only basic principles of government and should be so supplemented by statute law as to make them effective. The advisability of the Idaho plan is, however, open to serious question. Since the fundamental theory of the initiative and referendum is based upon a distrust of the legislature and is designed as an extraordinary remedy, applicable only when the legislature has been derelict in its duty, satisfactory results may hardly be expected from a plan which gives complete control of the machinery of popular government to a body which the people have been unable to govern.

The commission government laws passed in Idaho, Montana and

Wyoming as well as the special charter granted the city of Cambridge by the Massachusetts General Court, contains the usual provisions of such laws for the initiative and referendum in respect to city ordinances. The Wisconsin commission government law was amended to add the initiative and recall to the referendum already embodied in the law. Provision was also made for the initiative and referendum on acts of all city councils or county boards.

S. GALE LOWRIE.

Municipal Ownership: *California.* By act of the last California legislature, "Any municipal corporation may acquire, construct, own, operate, or lease any public utility" (Chapter 715, Laws of 1911). A public utility is defined to mean "the supply of a municipal corporation alone, or together with the inhabitants thereof, or any portion thereof, with water, light, heat, power, transportation of persons or property, means of communication, *or promoting the convenience of the public.*" The spirit of the law and the breadth of its scope are indicated by the words, "or promoting the convenience of the public."

Full power for the carrying out of the provisions of the act are given by the permission to cities to "acquire, own, control, sell, or exchange land easements, licenses and rights of every nature within and without its municipal limits," and by permitting them to operate such utilities within or without the municipal limits whenever necessary to supply a city, or its people, or any part of its people, with the service desired.

In addition to this, whenever an excess of water, light, heat or power is developed, the city is empowered to sell, lease or distribute such excess outside of its corporate limits.

The law provides that in case of a city's leasing any of its public utilities, such lease shall not be valid for longer than fifteen years, and that all such leases must be let to the highest bidder at public auction.

In order to make effective the right of a city or town to own and operate its own street car system, the legislature by another act (Chapter 43) had already permitted such cities and towns to occupy the same street or tracks occupied or used by any street railway company, within its limits, upon payment to the company of an equal portion of the estimated cost of construction of the tracks to be used jointly.